

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division
Civil Action No. 3:05-cv-00273

ALBEMARLE/51 RETAIL
INVESTORS, LLC

Plaintiff,

v.

ECKERD CORPORATION,

Defendant.

**CONSENT ORDER
TO TRANSFER**

THIS MATTER is before the Court by consent of the parties, ALBEMARLE/51 RETAIL INVESTORS, LLC ("Albemarle") and ECKERD CORPORATION ("Eckerd"), by and through their designated attorneys, for entry of an order transferring this action to the District Court for the Eastern District of Virginia.

FINDINGS OF FACTS

1. On June 3, 2005, six Complaints were filed against Eckerd in the District Court for the Eastern District of Virginia.
2. On June 10, 2005, the instant action was filed in this Court.
3. The instant action, as well as the six actions currently pending in the Eastern District of Virginia, are disputes between Eckerd and a proxy for JDH Capital, LLC ("JDH") in which JDH alleges injuries from the termination of agreements to build and lease drugstores.
4. On June 24, 2005, Eckerd moved to consolidate the Virginia cases, submitting that doing so would promote efficiency and avoid the possibility of inconsistent verdicts. The plaintiffs responded by writing that they were "in agreement with [Eckerd's] Motion for Consolidation."

5. The parties consent to transferring the instant action to the District Court for the Eastern District of Virginia.

CONCLUSIONS OF LAW

1. The instant action could originally have been brought in the Eastern District of Virginia based upon the same jurisdictional grounds as the actions that were filed in the Eastern District of Virginia.

2. By transferring this case to the Eastern District of Virginia—where it will most likely be consolidated with the other consolidated cases between the parties—this Court will serve the interests of judicial economy, reduce costs for the litigants, harmonize discovery, eliminate the possibility of divergent adjudications of common issues of law and fact, and generally preclude duplication.

IT IS THEREFORE ORDERED that:

1. This action is hereby transferred to the District Court for the Eastern District of Virginia.

SO ORDERED this the 29th day of August, 2005.

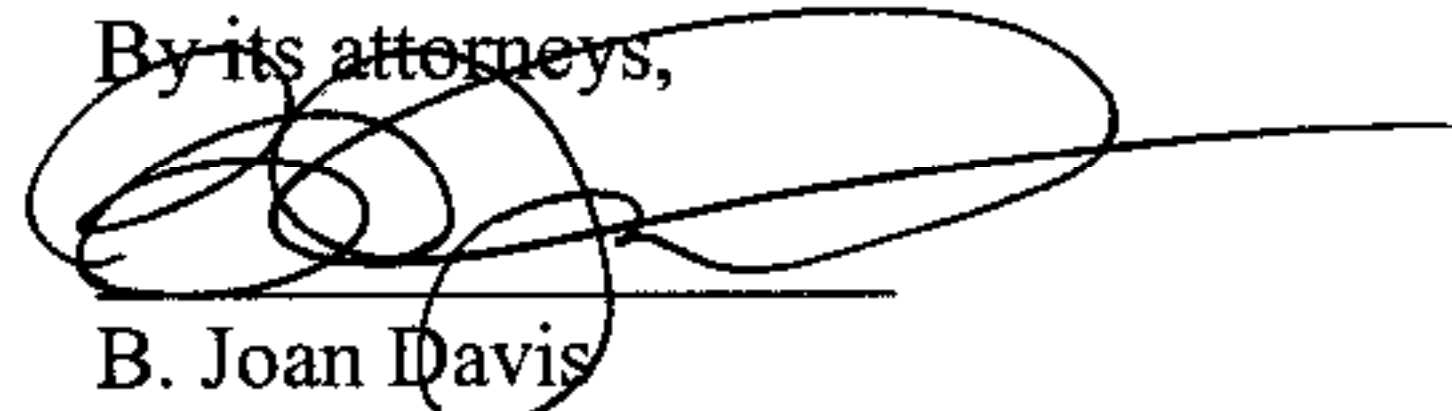


CARL HORN, III
U.S. Magistrate Judge

CONSENTED TO:

ECKERD CORPORATION

By its attorneys,



B. Joan Davis

HOWARD, STALLINGS, FROM & HUTSON, PA

P. O. Box 12347

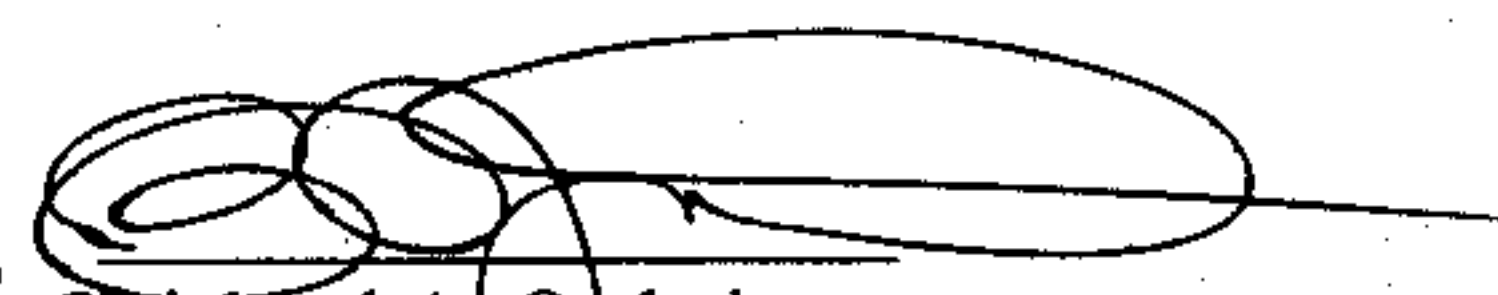
Raleigh, NC 27605

(919) 821-7700

N.C. State Bar # 17379

LR 83.1 Counsel

DATED: August 26th, 2005



for Richard A. Oetheimer

GOODWIN PROCTER LLP

Exchange Place

Boston, MA 02109

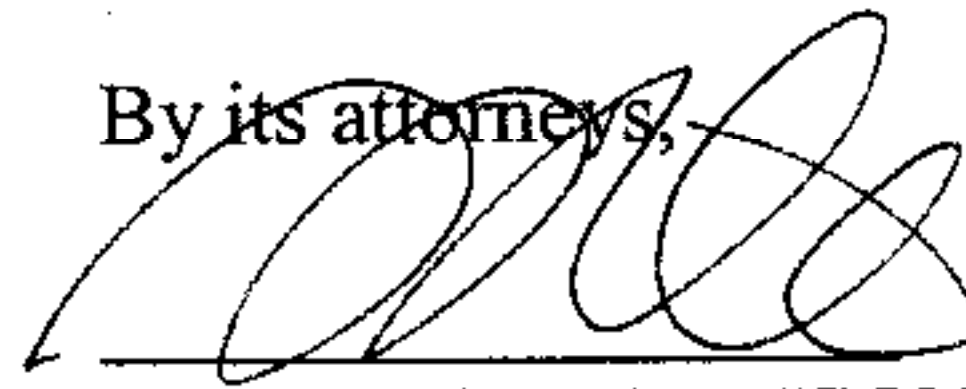
(617) 570-1259

Mass. BBO # 377665

DATED: August 26th, 2005

ALBEMARLE/51 RETAIL INVESTORS, LLC

By its attorneys,



JOHNTSON, ALLISON & HORD, P.A.

Robert L. Burchette

N.C. Bar No. 7035

Martin L. White

N.C. Bar No. 7035

610 East Morehead Street

Charlotte, NC 28202

(704) 332-1181

DATED: August 29, 2005